

**ORIGINAL**FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

## United States District Court

MAR 13 2006

for the

at 11 o'clock and 05 min. AM  
SUE BEITIA, CLERK

## DISTRICT OF HAWAII

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: PETER MOISES AGUILAR Case Number: CR 00-00391HG-02  
aka "Tony" and "Johnny"Name of Sentencing Judicial Officer: The Honorable Helen Gillmor  
Chief U.S. District Judge

Date of Original Sentence: 5/21/2001

Original Offense: Count 1: Conspiracy to Distribute and to Possess With Intent to Distribute 50 Grams or More of Methamphetamine, in violation of 21 U.S.C. § 846, a Class A felony

Original Sentence: Seventy-seven (77) months imprisonment and five (5) years supervised release with the following special conditions: 1) The defendant shall participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; and 2) The defendant is prohibited from possessing any illegal or dangerous weapons.

Type of Supervision: Supervised Release    Date Supervision Commenced: 7/29/2005**PETITIONING THE COURT** To modify the conditions of supervision as follows:

Peter Aguilar, as a condition of supervision, shall submit to one drug test within fifteen days of release from imprisonment and at least two drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 U.S.C. 3583(d).

**CAUSE**

The subject's term of supervised release commenced on 7/29/2005 in the Central District of California (CD/CA). On 2/21/2006, our office received a letter from the subject's CD/CA probation officer indicating that the subject is currently participating in an outpatient substance abuse treatment program. In light of U.S. vs. Stephens and

Prob 12B  
(7/93)

in anticipation of the subject's completion of substance abuse treatment, the probation officer recommends the above modification. The recommendation is based on the subject's history of substance abuse and need for continued monitoring. The modification will allow the probation officer to provide any needed intervention and reduce the subject's risk to the community.

The subject's substance abuse history includes marijuana and methamphetamine abuse prior to his arrest for the instant offense. The supervising probation officer indicates that given the relationship between substance abuse and criminal activity, controlling strategies to detect substance abuse and prompt intervention need to be continued following successful transition from outpatient treatment. The probation officer believes that drug testing is the most reliable method for monitoring drug use.

Our office concurs with the supervising probation officer's recommendation that the Court modify the mandatory drug testing condition (general condition) to authorize and allow random drug testing to continue for the duration of the subject's supervision term. Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



ALYSA K. MAKAHANALOA  
U.S. Probation Officer Assistant

Approved by:



TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 3/7/2006

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THE COURT ORDERS:

- The Modification of Conditions as Noted Above  
 Other



HELEN GILLMOR  
Chief U.S. District Judge

3-9-06

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Date

PROB 49  
(3/89)

# United States District Court

District \_\_\_\_\_ of Hawaii

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Peter Aguilar, as a condition of supervision, shall submit to one drug test within fifteen days of release from imprisonment and at least two drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Witness \_\_\_\_\_

U.S. Probation Officer

Signed \_\_\_\_\_

Probationer or Supervised Releasee

2/21/06  
Date